



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

January 6, 2015

Mr. William Migneault
President
Sierra Road Improvement Association, Inc.
3625 Sierra Road
San Jose, CA 95132

Dear Mr. Migneault:

CITATION NO. 02-17-16C-002
TOTAL COLIFORM MONITORING VIOLATION
SIERRA ROAD IMPROVEMENT ASSOCIATION, INC., WATER SYSTEM NO. 4300546

Enclosed is a citation issued to the Sierra Road Improvement Association, Inc. (hereafter, Water System or SRIAI). The citation is issued because repeat total coliform monitoring was not performed as required in November 2015.

If you have any questions regarding this letter, please contact Jose P. Lozano IV, P.E. at (510) 620-3459 or me at (510) 620-3453.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Lacy", with a large, stylized loop at the end.

Eric Lacy, P.E.
District Engineer
Santa Clara District
Division of Drinking Water
State Water Resources Control Board

Enclosures: 1) Sample Notice (Attachment A)
2) Proof of Notification (Attachment B)

Certified Mail # 7014 3490 0001 7031 0765

cc: Santa Clara County Environmental Health Department (w/ encl.)

Mr. Fred Siemon (w/ encl.)
Vice President
Sierra Road Improvement Association, Inc.
P. O. Box 32234
San Jose, CA 95152

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Sierra Road Improvement Association, Inc.
Water System No. 4300546
P. O. Box 32234
San Jose, CA 95152

ATTN: Mr. William Migneault
President

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE 22,
SECTION 64424(a) – WATER SYSTEM NO. 4300546

CITATION NO. 02-17-16C-001

Issued on January 6, 2016

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board, acting by and through its Division of Drinking Water (hereinafter "Division" or "DDW") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a citation to the Sierra Road Improvement Association, Inc.



1 (hereinafter, "SRIAL" or "Water System") (mailing address: P. O. Box 32234, San Jose, CA
2 95152) for violation of California Code of Regulations (CCR), Title 22, Section 64424
3 subsection (a).
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5 **APPLICABLE AUTHORITIES**

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7 **Section 116650 of California Health and Safety Code provides:**

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9 (a) If the department determines that a public water system is in violation of
10 this chapter or any regulation, permit, standard, citation, or order issued or adopted
11 thereunder, the department may issue a citation to the public water system. The citation shall
12 be served upon the public water system personally or by certified mail. Service shall be
13 deemed effective as of the date of personal service or the date of receipt of the certified mail.
14 If a person to whom a citation is directed refuses to accept delivery of the certified mail, the
15 date of service shall be deemed to be the date of mailing.

16 (b) Each citation shall be in writing and shall describe the nature of the
17 violation or violations, including a reference to the statutory provision, standard, order,
18 citation, permit, or regulation alleged to have been violated.

19 (c) A citation may specify a date for elimination or correction of the condition
20 constituting the violation.

21 (d) A citation may include the assessment of a penalty as specified in
22 subdivision (e).

23 (e) The department may assess a penalty in an amount not to exceed one
24 thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day
25 that a violation continues to occur. A separate penalty may be assessed for each violation.
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1 California Code of Regulations, Title 22, Section 64424 subsection (a) provides, in
2 relevant part:
3

4
5 A public water system, which normally collects one or fewer samples per month and which,
6 upon being notified of a positive routine sampling result, is required to collect, within 24 hours
7 of being notified of the positive result, a repeat sample set consisting of at least four samples
8 for each total coliform-positive sample. Failure to do so is a violation of Section 64424(a).
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11 **STATEMENT OF FACTS**

12 SRIAI is a community water system, located approximately six miles southeast of Milpitas,
13 California. The water system serves a population of approximately 140 persons through 47
14 metered service connections (2014 Annual Report to the Drinking Water Program).
15

16 SRIAI purchases potable water from the San Jose Water Company (SJWC, Primary Station
17 Code (PSC) No. 4300546-001). The distribution system consists of two redwood storage
18 tanks – 10,000-gallon Tank 2 and 10,000-gallon Tank 3 - and a 10,000-gallon polyethylene
19 Tank 1. The water system has two pump stations – one is located at the Tank 1 site and the
20 other at the Tank 2 site. Piping consists of two-inch polyethylene, three- and four-inch
21 polyvinyl chloride (PVC) and four-inch steel pipes. According to SRIAI's latest bacteriological
22 sample siting plan (BSSP) on file, dated November 5, 2012 (and approved by the Division on
23 November 15, 2012), the distribution system is monitored once a month for bacteriological
24 quality. The Division's review of the SRIAI's BSSP on file indicates that information, such as
25 the contracted laboratory, provided in the sampling plan is not up-to-date.
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1 On November 12, 2015, the Water System collected a routine sample, which tested "present"
2 for total coliform and "absent" for E. coli. The Water System was notified by its laboratory,
3 Alpha Analytical Laboratories Inc., of the positive total coliform result on November 13, 2015.
4 SRIAI collected one repeat sample from the distribution system on November 16, 2015. The
5 November 16, 2015 repeat sample tested "absent" for total coliform and "absent" for E. coli.
6 Based on these two November 2015 sampling results, the Water System failed to collect and
7 report the required number of repeat bacteriological samples in November 2015, and did not
8 collect the repeat sample within 24 hours of notification by the laboratory.

9
10 The Division informed SRIAI on December 24, 2015 that it would need to collect five
11 bacteriological routine samples from the distribution system in December 2015. All five
12 routine coliform samples, collected on December 29, 2015, were negative for coliform
13 bacteria.

14
15 The Division provided the Water System a sample notice in notifying its users regarding the
16 bacteriological monitoring and reporting procedural violation. The Water System's proposed
17 notice was approved by the Department on December 29, 2015. SRIAI mailed the approved
18 notice to its users on January 4, 2016.

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21 **DETERMINATION**

22 The Division has determined that SRIAI failed to take and report the required number of
23 repeat bacteriological samples within 24 hours of notification by the laboratory during
24 November 2015.
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DIRECTIVES

SRIAI is hereby directed to take the following actions:

- 1) Forthwith, SRIAI shall cease and desist from failing to comply with Subsections 64424 (a), Chapter 15, Title 22, CCR immediately.
- 2) Complete and return the enclosed Proof of Notification form (Attachment B) within seven days of completion of the public notification. A copy of the notice (Attachment A) used shall be attached to the Proof of Notification form.
- 3) Prepare a written Corrective Action Plan (CAP), which describes the specific actions that will be taken by Water System personnel to ensure that future bacteriological sampling and reporting procedural violations will not occur. The plan shall include an evaluation of the causes that led to this incident, the follow-up actions taken to correct the problem, and preventive measures to be taken to prevent the reoccurrence of similar monitoring and reporting failures in the future. The CAP must include an updated bacteriological sample siting plan. Submit the CAP to the Department by February 11, 2016.

The Division reserves the right to make such modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation, and shall be deemed effective upon issuance.

Nothing in this Citation relieves SRIAI of its obligation to meet the requirements of the California Safe Drinking Water Act, or of any regulation, permit, standard, or order issued or adopted thereunder.



1 All submittals required by this Citation shall be submitted to the Division at the following
2 address:

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4 Mr. Eric Lacy, P.E., District Engineer
5 Santa Clara District
6 Division of Drinking Water
7 State Water Resources Control Board
8 850 Marina Bay Parkway, Building P, Second Floor
9 Richmond, CA 94804

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14 **PARTIES BOUND**

15 This Citation shall apply to and be binding upon SRIAI, its officers, directors, shareholders,
16 agents, employees, contractors, successors, and assignees.

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19 **SEVERABILITY**

20 The Directives of this Citation are severable, and SRIAI shall comply with each and every
21 provision thereof, notwithstanding the effectiveness of any other provision.

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24 **FURTHER ENFORCEMENT ACTION**

25 The California SDWA authorizes the Division to: issue citation with assessment of
26 administrative penalties to a public water system for violation or continued violation of the
27 requirements of the California SDWA or any permit, regulation, permit or order issued or
adopted thereunder including, but not limited to, failure to correct a violation identified in a
citation or compliance order. The California SDWA also authorizes the Division to take
action to suspend or revoke a permit that has been issued to a public water system if the
system has violated applicable law or regulations or has failed to comply with an order of the



1 Division; and to petition the superior court to take various enforcement measures against a
2 public water system that has failed to comply with violates an order of the Division. The
3 Division does not waive any further enforcement action by issuance of this citation.
4

5 January 6, 2016
6 Date

Eric Lacy, P.E.
District Engineer
Santa Clara District
Division of Drinking Water
State Water Resources Control Board

9 Attachments

10 CERTIFIED MAIL # 7014 3490 0001 7031 0765

11 cc: Santa Clara County Environmental Health Department (w/ attachments)

12 Mr. Fred Siemon (w/ attachments)
13 Vice President
14 Sierra Road Improvement Association, Inc.
15 P. O. Box 32234
16 San Jose, CA 95152
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IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

**Monitoring Requirements Not Met in November 2015 for
Sierra Road Improvement Association, Inc. (SRIAI), Water System No. 4300546**

On December 24, 2015, we became aware that our system recently failed to collect the correct number of drinking water samples. Although this incident was not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did (are doing) to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. In November 2015, we collected a total coliform-positive, E. coli-negative routine sample at the routine sampling site (Tank #2; 3470 Sierra Road) on November 12, 2015. Only one of the required four repeat samples was collected in November 2015. The single repeat sample collected in November 2015 at Tank #2 was clean. In accordance with Section 64424(a)(1), Title 22, California Code of Regulations (CCR), we are required to collect at least four (4) repeat bacteriological samples for the total coliform-positive, E. coli-negative routine sample collected in November 2015. During November 2015, we failed to collect the required number of repeat bacteriological samples. As a result, we cannot be sure of the quality of our drinking water during that time.

What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant(s) we did not properly test for during November 2015, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples will be taken.

<i>Contaminant</i>	<i>Required Number of Samples</i>	<i>Number of Samples Taken</i>	<i>When All Samples Should Have Been Taken</i>	<i>When Samples Were Taken</i>
Total coliform bacteria	Four repeats	One repeat	November 2015	December 2015

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

Upon learning from our contracted laboratory that the November 12 sample was total coliform-positive, E. coli-negative, we immediately disinfected Tank 2 on November 13 with 1 quart of 8.25% Sodium Hypochlorite. The result of a coliform test conducted on November 16, 4 days later, showed no coliform bacteria present.

Attachment A

The most likely cause of the positive sample collected on November 12, 2015 is the existence of low chlorine residuals – 0.1 mg/L total chlorine - in the distribution system. Low disinfectant residuals expose the water in the distribution system to potential bacteriological contamination.

Maintenance of a detectable chlorine residual (at least 0.2 mg/L total chlorine residual) in the distribution system is intended to provide a persistent disinfectant in order to protect the water from microbiological re-contamination, reduce bacterial re-growth and biofilm formation, and to serve as an indicator of the distribution system integrity. We are now thoroughly investigating this water quality problem and will provide you the results of our investigation and the possible solutions to the problem shortly.

In addition to following up on the findings of the above investigation, SRIA, in order to prevent the reoccurrence of monitoring and reporting failures in the future, will sample for bacteriological quality in the distribution system in accordance with an approved sampling plan and ensure that the proper sampling procedures during sample collection are always observed by the sampler.

SRIA will also submit an updated bacteriological sample siting plan to the Division of Drinking Water for its review and approval.

For more information, please contact Fred Siemon at 408 504-1538 or fredsiemon@me.com or at 3600 Sierra Road, San Jose 95132

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by the Sierra Road Improvement Association, Inc.

State Water System ID#: 4300546 . Date distributed: January 4, 2016

PROOF OF NOTIFICATION

Sierra Road Improvement Association, Inc.
System Number: 4300546

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by the Sierra Road Improvement Association, Inc. of the violations of Title 22, California Code of Regulations (CCR) for the compliance period of November 2015. I complied with the directives of this citation as indicated below:

Required Action

Date
Completed

Conduct Public Notification – (Attach copy of the notice used.)

Submit Corrective Action Plan (including updated BSSP)

Signature of Water System Representative

Date

THIS FORM MUST BE COMPLETED AND RETURNED TO THE SWRCB DIVISION OF DRINKING WATER. A COPY OF THE POSTED NOTICE MUST BE ATTACHED TO THIS FORM.

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached citation may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.